



2018 New York State YMCA

Youth And Government

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FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate 3

Bill #: S-15

1 **Sponsors:** Greg Jusino, Derek Martelle and Jeremy Martelle, Jr.

2

3 **An Act To** Amend New York Agriculture and Markets Law Section 353-d to grant
4 civil immunity to private individuals when removing a vulnerable animal from a
5 vehicle.

6

7 ***The People of the State of New York, represented in the Senate and***
8 ***Assembly do enact as follows:***

9 **Purpose**

10 This amendment to the New York Agriculture and Markets Law Section 353-d will
11 add a provision granting civil immunity to private individuals for entering a motor
12 vehicle by force or otherwise for the purpose of removing an unattended vulnerable
13 animal provided certain conditions are met.

14

15 **Summary of Provisions**

16 Section 1 Definitions:

17 Private individual- shall mean any individual who is not acting as a police officer,
18 peace officer, or agent of a duly incorporated humane society.

19 Unattended vulnerable animal- shall mean any companion animal left in a vehicle
20 where the owner or operator of the vehicle can not be readily located

21 Section 2:

22 Amends New York Agriculture and Markets Law Section 353-d, to paragraph 8 as
23 follows:

24 § 353-d. Confinement of companion animals in vehicles: extreme temperatures.

25 8. A private individual who forcibly enters a motor vehicle for the purpose of
26 removing an unattended vulnerable animal shall not be subject to civil liability for
27 damages arising from the forcible entry if the person:

28 A. determines that the motor vehicle is locked or that there is no reasonable means
29 for the animal to be extracted from the vehicle;

30 B. reasonably and in good faith believes that forcible entry into the motor vehicle is
31 necessary because the animal is in imminent danger;

32 C. notifies local law enforcement, fire department or a 911 operator prior to forcibly
33 entering the vehicle;

34 D. remains with the unattended vulnerable animal in a safe location reasonably
35 close to the motor vehicle until the police or other emergency responder arrives;

36 E. places a notice on the vehicle that law enforcement, the authorities, or a 911
37 operator has been notified and specifying the location of the animal and private
38 individual attending to the animal; and

39 F. uses no more force to enter the vehicle to remove the animal than necessary
40 under the circumstances.



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1 **Justification**

2 Keeping animals in a locked car in extreme temperatures can injure and even kill
3 whatever is trapped in the car. Dogs, for example, are only able to cool themselves
4 by panting and by sweating through their paw pads. Outside temperature increases
5 the internal temperature of a car rapidly. On a 78-degree day, a car can get up to
6 100 degrees in minutes. On a 90-degree day, the car can get up to 109 degrees in
7 10 minutes. Animals can die or sustain major brain damage in this amount of time.
8 Thousands of animals die in extreme conditions per year. An independent study
9 showed that the interior temperature of vehicles parked in outside temperatures
10 ranging from 72 to 96° F rose steadily as time increased. Another study, performed
11 by the Louisiana Office of Public Health, found that the temperatures in a dark
12 sedan as well as a light gray minivan parked on a hot, but partly cloudy day,
13 exceeded 125° F within 20 minutes. This reveals that it takes a very short period of
14 time for a car to heat up above a dog's point of withstanding. Another fact is proven
15 by the "Department of GeoSciences," after just 30 minutes of a car sitting in a 70
16 degree (F) day, a car's temperature rose to 108 degrees, a temperature much too
17 hot for a dog or other animal to withstand, especially dogs with a big fur coat.
18 Although dogs are not the only ones placed in these situations, they are most
19 common.

20 By providing protections for individuals that rescue vulnerable, unattended animals
21 being trapped in the vehicles with extreme internal temperatures, there is a greater
22 likelihood that the animals will survive. Good Samaritan laws are meant to protect
23 those who come to the aid of medical emergency victims for no other reason than
24 kindness. The passing of this law may increase the incentive of those are looking to
25 help because they know they will not troubled by the law.

26

27 **Fiscal Implications**

28 There will be no cost to New York State. There will be no impact on the budget.

29

30 **Effective Date**

31 The law will go into effect 3 months after being passed.